

less effective around the world? So that we can please the European public with this move? That is the reason.

None of this makes any sense. We have invested \$200 million in the Guantanamo Bay facility that is well run. I don't know why we would do this. It doesn't make any sense. I think we ought to work on this in a bipartisan fashion and roll up our sleeves and see what is in the best American interests. Treating detainees humanely, rightly under the international conventions we have agreed to with other countries, yes, but not harming U.S. citizens or subjecting our military to recycled individuals who have been captured and put at Guantanamo Bay and released, and where we can meet them on the battlefield again as organizers and as people held up as examples to the terrorist fight.

We can do this but not with the direction that the administration is going in, and certainly not by excluding members of the other party.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

Mrs. SHAHEEN. Mr. President, today I rise in support of an important small business amendment to the Credit Cardholders' Bill of Rights, amendment No. 1079. It would expand the truth in lending protections of this bill and cover our Nation's small businesses in addition to individual credit cardholders. I am proud to be a cosponsor of this amendment.

I thank Senators LANDRIEU and SNOWE, who are the chair and ranking member of the Small Business and Entrepreneurship Committee. I thank them for their leadership on this issue. I also thank Senators DODD and SHELBY for their tireless work on the Credit Cardholders' Bill of Rights.

This legislation is important because, as we have heard Senator DORGAN say so eloquently, we can no longer allow predatory and misleading lending practices to jeopardize American consumer credit. Reform of the credit card industry is truly long overdue, and the members of the Senate Banking Committee should be commended for bringing such a strong bill to the floor. I look forward to supporting it. But we need to make a change in the bill because small businesses are critical to America's economic recovery, and in States such as mine, small businesses are the anchor of our communities and our economy, providing the jobs and the services that

help families pay their bills and put food on the table.

Unfortunately, many small businesses in New Hampshire and throughout the country continue to struggle in today's economy. That is forcing layoffs and slowing our path to economic growth. I have met with small business owners across New Hampshire. They are small business owners who have excellent credit histories, but they cannot access much needed credit because of this economic crisis. Many small businesses have seen their credit lines reduced or even eliminated on short notice, preventing them from restocking their shelves and investing in future growth. Unfortunately, more and more small businesses are relying on credit cards to meet their cash flow needs.

I am proud to have led a successful effort to increase access to credit through the Small Business Administration's 7(a) Loan Program. But we must also ensure that small business owners have credit cards on which they can depend.

The Credit Cardholders' Bill of Rights makes important changes that will protect consumers from unfair practices such as arbitrary interest rate increases and unfair credit terms. This amendment simply expands Truth in Lending Act protections to small businesses with 50 or fewer employees.

As business owners across the country grapple with the economic recession, we must ensure that credit cards help, not hinder, our recovery effort. By protecting small businesses from unfair credit card practices, business owners will be better able to manage their cash flow, plan for future growth, and contribute to our economic recovery.

I urge my colleagues to join me, Senator LANDRIEU, and Senator SNOWE in support of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BUFFALO AIRLINE CRASH

Mr. DORGAN. Mr. President, yesterday we heard on the radio and in news accounts of the National Transportation Safety Board investigation of the crash that occurred in Buffalo, NY, of a commuter airline. I chair the Aviation Subcommittee of the Commerce Committee; Senator ROCKEFELLER is chairman of the Commerce Committee. I visited with him early this morning on this subject.

I was stunned yesterday to read and hear the results of the National Transportation Safety Board investigation. Last evening, I met with the families of some of those who lost their lives in that commuter airline crash.

I want to make a point that the things we now have learned about that

particular flight are very disturbing—the question of crew rest, the question of training, of safety issues. I am not here to suggest that when someone gets on an airplane today or tomorrow or anytime, they should worry about who is in the cockpit, but I do suggest this: In this case, what we have now learned is that one of the people in the cockpit traveled all night because the duty station was in New York and the person lived on the west coast. That person traveled all night from the west coast, stopping in Memphis, then on to New York, and then went on a flight. Well, one wonders about having an all-night flight. Many of us have it. I have been on red-eye flights from the West many times. But for a pilot in the cockpit to live on the west coast, fly to New York, and take an all-night flight, poses real questions for me in terms of crew rest.

The voices in the cockpit suggest that one of the people in the cockpit said that person had no experience with icing. Well, I have had a lot of experience with icing, and it is unfathomable to me that someone in the cockpit of a commuter airline would have no experience with icing if they are flying in the Northeast at a time of the year when icing would be present.

It appears from what we know that the person in charge of the cockpit on that airplane had 3 months of experience with that type of airplane. The question is not just experience but how much experience do you have in the cockpit of that type of equipment.

The copilot on that flight was paid \$16,000 a year. Think of that. A copilot was paid \$16,000 a year salary and worked part time in a coffee shop to make ends meet and lived with the parents in order to make ends meet. I don't know if most people understand this when they get on a commuter flight. A lot of flights in this country are on commuter airlines. You get on a plane that has the same markings on the tail and wings and fuselage of a major carrier, but in many cases it is not that carrier at all that is operating the flight. When people get on an airplane, they expect the same standard, the same standard of training, of crew rest, the same set of standards no matter what airplane they are on if they are flying commercially.

The Federal Aviation Administration has the responsibility to set standards and then enforce them. The National Transportation Safety Board investigation of the Buffalo crash has raised very serious questions that need to be resolved. As chairman of the Aviation Subcommittee, working with the chairman and ranking member of the full Commerce Committee, I intend to be very involved in investigating what is happening.

I don't say this to alert people to be anxious or excited about having to take a flight somewhere but as someone who flies a great deal. This disclosure about these issues on this flight is

very troublesome. I want every American to believe that when they walk onto an airplane, no matter the company, that the experience, the capability in the cockpit is such that they can have comfort. I don't care whether you are flying on an Airbus 320, a Boeing triple 7 or A-8, you ought to feel, as a passenger, that that experience, the crew rest, the capability with the airplane in the cockpit gives you a substantial margin of safety.

We have an unbelievable record in the skies across the country. We have had very few accidents. In recent years when we have had accidents, most of them have been with commuter airlines. I am not suggesting in any way that we get along without commuter airlines, but I believe the FAA has some significant questions to answer. I believe the FAA has a lot of work to do. We will now have a nomination hearing for Randy Babbitt to head the FAA. Frankly, the FAA has not had consistent leadership. I hope Mr. Babbitt will provide that. I expect during his confirmation hearing he will get a great many questions about these issues.

I will have more to say about what we will do in my subcommittee as well later today. I did want to mention that I have been stunned by what has been revealed by the National Transportation Safety Board about that crash in Buffalo, NY by that commuter carrier. The family members of those who perished in the crash obviously are very concerned as well by what has been disclosed. It is a service to this country for the NTSB to have done a complete investigation. It will provide for all of us a reminder that there is much yet to do in the FAA to make certain that we maintain a good record of safety going forward. That applies to the major airlines and just as well and equally to commuter airlines.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

Mr. DURBIN. Mr. President, we are considering a bill which affects millions of Americans. It is about credit cards. We all have them. We all wonder each month, when we get a monthly statement, what in the world it means. I am a lawyer. I have been a legislator for a while. I couldn't even tell you what the back of my credit card statement says every month. But I know if you end up missing a payment, if you end up being late on a payment, the world can crash down on you, because I have gotten plenty of letters from peo-

ple around my State and the country about some of the things that happen when it comes to these credit cards.

I thank Senator DODD and Senator SHELBY. This is the first credit card reform legislation in how many years? Ever. That is a long time. It is overdue.

All of us know how much they have become a part of our lives, and all of us know how vulnerable we are when interest rates go through the ceiling, when they end up saying: Because you are a day late on your payment, unfortunately, you have to pay a penalty. Then there is interest on the penalty. And did we tell you there is interest on the interest on the penalty. You think it will never end—\$25, \$50, \$75.

Senator DODD, in this credit card reform legislation, does one of the most significant things for American consumers we have seen.

I want to offer an amendment. Understand, if you go to your local restaurant in your hometown and have a meal and pay for it with a credit card, the owner of that restaurant has to pay part of your bill to the credit card company and the issuing bank. It is called an interchange fee. So the owner of the restaurant doesn't get the \$20 that you put on the counter. That owner may end up paying several percent of that \$20 to the credit card company and to the bank.

When we created the original law in this area back in 1981, we said: It is OK for people in restaurants and other places to say to their customers: We will give you a discount if you pay in cash or by check. That is the law; right? It makes sense. The person who owns the restaurant says: I am only going to charge you \$18.75 instead of \$20 because you are paying in cash instead of with the credit card. That way I don't have to send part of your \$20 back to that credit card company.

That was the law, and it seemed to be a pretty good one. The credit card companies weren't happy with that. They didn't want people to get incentives not to use credit cards. They created new, legal entities for credit card companies that didn't quite fit into the 1981 definition so that they wouldn't be covered by the possibility of a consumer discount. And then, for those bold companies like that hometown restaurant that decided they still wanted to offer a cash discount, they piled up the rules on them at the credit card companies and said: If you don't advertise in just the right way, we will fine you. I can tell my colleagues, gas stations are being fined \$5,000 because they offered a discount of \$1 or \$2 to a consumer.

As a consequence, retail merchants came to us and said: Give us a break. If we are going to have a discount for cash or check, say so in the law so that we can offer this to the American consumer.

The credit card companies hate it like the devil hates holy water. It is like old Senator Bumpers from Arkansas used to say: Like the devil hates holy water. They don't want to change.

This bill will change a lot of things they don't like. Thank goodness. I hope the Members of the Senate will accept the amendment I am offering with Senator BOND of Missouri, a Republican, a bipartisan amendment that says: Merchants across America can offer a discount over credit cards for people who pay in cash, check, or with a debit card, which is the new checking account for many younger people.

That discount is going to help that establishment to be able to say to folks: Well, we can give you a break here on the product you just bought or the meal you just bought; and say to the consumers across America who are struggling in this economy: Here is a way to save a few bucks. You can pay in cash, and you will not have to pay as much as you would on a credit card.

I think that is a move in the right direction. I am glad retail merchants, large and small, all across America have rallied behind this amendment. Whether it is your gas station or a little shop in your hometown or the restaurant you go to, they will be able to say to you: If you pay in cash, check, or debit card, we can offer you discounts on your final bill. I think that is a good break for people across America that they can enjoy every single day if they want to, if that is the way they want to make the purchase. If they want to use the traditional credit card, that is up to them.

So this goes back to the original law, knocks away all of the obstacles put in the path of this law by the credit card companies, and basically says, this gives retail merchants across America a way to offer a discount to American consumers.

So I hope my colleagues on both sides of the aisle will join me on that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### CLIMATE CHANGE

Mr. BARRASSO. Mr. President, I have in my hand a memo by Obama administration attorneys—a compilation of attorneys—from a number of different Federal agencies. It is marked "Deliberative" and "Attorney Client Privilege." This memo is well thought out. It is scientific as well as a legal critique of the decision by this administration to use the Clean Air Act to regulate climate change. The memo confirms the fears of every small business owner, every farmer, every school and hospital administrator, in both large and small communities, that the Obama administration knows that using the Clean Air Act to regulate climate change is bad for America. They know it, but for political reasons they have ignored the science. The consequences to our economy have also been ignored, as well as the impact on the American people.

I am going to be clear. To me, this memo is a smoking gun. This memo